

Docket No.: 00-8024 RCE3

<b>Amendment</b>	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, facsimile no. 571-273-8800, on the date shown below.	
Dated: <u>2/8/07</u>	Signature: <u>[Signature]</u> (Olisa M. Haggemo)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Boris S. Elman et al.

Application No.: 09/932,202

Group Art Unit: 2614

Filed: August 17, 2001

Examiner: Olisa Anwah

For: AUTOMATED CONVERSATION  
RECORDING DEVICE AND SERVICE

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND DECLARATION UNDER 37 CFR § 1.131**

Sir:

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We, Boris S. Elman and Jesse Hefter, declare as follows:

1. We are the inventors named on currently pending U.S. Patent Application Serial No. 09/932,202, which is directed to an Automated Conversation Recording Device and Service.

2. We conceived of the claimed invention in the United States prior to February 27, 2001. More specifically, prior to February 27, 2001 we conceived of:

a. An apparatus for transmitting, receiving and recording two-way conversation data between at least two remote locations, comprising:

i. a wireless communication device;

ii. a memory coupled to the wireless communication device for storing two-way conversation data in digital form;

iii. a device interface for communicatively coupling the wireless communication device to a remote storage device and sending the stored two-way conversation data to the remote storage device;

iv. a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device, the user interface including a plurality of data management functions that allows the user of the wireless communication device to manage, by way of the wireless network, the two-way conversation data stored in the remote storage device, the plurality of data management functions including functions for editing, translating, searching, linking, downloading, editing, playing back, converting, sending, archiving, and deleting the two-way conversation data stored in the remote storage device;

v. a secondary device interface that couples the memory with a secondary device to allow transfer of the two-way conversation data from the memory to the secondary device, wherein the secondary device interface includes

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an attachment that physically connects the memory to the secondary device or is a wireless interface that allows data transfer between the memory and the secondary device;

vi. wherein the memory is an on-board memory; and

vii. wherein the memory is removable from the wireless communication device so that the memory can be attached to a secondary device.

b. A system for managing two-way conversation data occurring between at least two remote locations over a network, comprising:

i. a wireless communication device;

ii. a memory coupled to the wireless communication device for storing two-way conversation data in digital format;

iii. a storage location outside the memory;

iv. an interface between the memory and the storage location for transferring the two-way conversation data from the memory to the storage location; and

v. a user interface that allows a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data in the storage location, the user interface including a plurality of data management functions that allows the user of the wireless communication device to manage, by way of the wireless network, the two-way conversation data stored in the storage location, the plurality of data management functions including functions for editing, translating, searching, linking, downloading, editing, playing back, converting, sending, archiving, and deleting the two-way conversation data stored in the storage location;

vi. a secondary device interface that couples the memory with a secondary device having the storage location to allow transfer of the two-way

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conversation data from the memory to the secondary device, wherein the secondary device interface includes an attachment that physically connects the memory to the secondary device or a wireless interface that allows data transfer between the memory and the secondary device;

vii. wherein the interface is configured to download at least a portion of the two-way conversation data from the storage location to the memory;

viii. wherein the memory is an on-board memory;

ix. wherein the memory is removable from the wireless communication device so that the memory can be attached to a secondary device;

x. wherein the two-way conversation data is audio data, and wherein the converting function is conducted by an audio-to-text converter that converts the audio data to text data;

xi. wherein the translating function is conducted by a text translation service that converts at least a portion of the text data from a first language to a second language;

xii. wherein the two-way conversation data is audio data, and wherein the translating function is conducted by an audio translation service that translates at least a portion of the audio data from a first language to a second language; and

xiii. wherein the user interface is configured to output at least one of text data and audio data.

c. A system for managing two-way conversation data occurring between a first communication device located at a first location and a second communication device located at a second location remote from the first location, the two-way conversations occurring over a network having at least one storage location, wherein at least one wireless communication device can be connected to the network, comprising:

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i. a data interface between the at least one wireless communication device and the at least one storage location for transferring data derived from the two-way conversations from the at least one storage location to the at least one wireless communication device; and

ii. a user interface, including at least one user-controllable data management function that allows a user of the at least one wireless communication device to access, by way of the network, the data in the at least one storage location, the user interface including a plurality of data management functions that allows the user of the at least one wireless communication device to manage, by way of the network, the data in the at least one storage location, the plurality of data management functions including functions for editing, translating, searching, linking, downloading, editing, playing back, converting, sending, archiving, and deleting the data stored in the at least one storage location;

iii. wherein the storage location is a computer system, and wherein the user interface allows the user to access the data in the computer system;

iv. wherein the computer system is divided into multiple user storage locations such that one of the user storage locations corresponds with an individual user;

v. wherein the data is audio data, and wherein the converting function is conducted by an audio-to-text converter that converts the audio data to text data;

vi. wherein the translating function is conducted by a text translation service that converts at least a portion of the text data from a first language to a second language;

vii. wherein the data is audio data, and wherein the translating function is conducted by an audio translation service that translates at least a portion of the audio data from a first language to a second language;

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viii. wherein the user interface is configured to output at least one of text data and audio data.

3. *Exhibit A*, enclosed herewith, is a copy of a text document that we prepared before February 27, 2001. Witness signatures and dates have been redacted from *Exhibit A*. *Exhibit A*, which describes a conversation recording and record keeping device and service, provides further evidence that we conceived of the claimed invention prior to February 27, 2001.

4. We worked toward reducing the claimed invention to practice from prior to February 27, 2001 until a filing of the present patent application with the U.S. Patent and Trademark Office by, *inter alia*, working with legal counsel for the original assignee of the present application in preparing and filing the patent application, including, at least, (1) reviewing and providing comments on several draft specifications for the patent application during that time period, (2) reviewing and providing comments on several draft sets of drawings for the patent application during that time period, (3) reviewing a final draft of the specification and a final draft of the drawings towards the end of that time period in anticipation of, and with the expectation of, executing formal papers for the filing of the patent application, and (4) executing those formal papers and returning them to the legal counsel towards, or at the end of that time period. Upon information and belief, activities of legal counsel for the original assignee of the present application during this period included:

- a. participating in at least one telephone conference call between us and outside legal counsel for the original assignee of the present application on January 30, 2001;
- b. preparing and completing informal draft drawings for the patent application in March 2001;
- c. preparing and completing formal draft drawings for the patent application in April 2001;
- d. revising the formal draft drawings for the patent application in April 2001;

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- e. preparing a draft specification for the patent application in March and April 2001;
- f. submitting the draft specification and formal drawings to in-house legal counsel for the original assignee of the present application on April 26, 2001;
- g. revising the formal drawings for the patent application in July 2001;
- h. revising the specification for the patent application in July 2001;
- i. submitting the revised specification and formal drawings to in-house legal counsel for the original assignee of the present application on August 3, 2001; and
- j. filing the patent application with the U.S. Patent & Trademark Office on August 17, 2001.

5. Upon information and belief, we understand the present assignee of the invention disclosure for which *Exhibit A* is an attachment, by submission of *Exhibit A* herewith, does not intend to waive its attorney-client privilege as to the entire invention disclosure record. To the extent that we also have such a privilege we do not waive the attorney-client privilege as to the entire invention disclosure record.

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We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 19, 2007  
Date

Boris S. Elman  
Boris S. Elman

State of Massachusetts )  
County of Middlesex )

Subscribed and sworn to me this 19 day of January, 2007.

Elizabeth V. Sanper  
Notary Public



Jan 19, 2007  
Date

Jesse Meffer  
Jesse Meffer

State of Massachusetts )  
County of Middlesex )

Subscribed and sworn to me this 19 day of January, 2007.

Elizabeth V. Sanper  
Notary Public





**Attachment to invention disclosure "Automated Record Keeping Service"****By Boris S. Elman and Jesse Hefter**

**Option I.** Recording and temporary storage is performed by the wireless communication device.

Hardware and service definition:

- Wireless communication device capable of recording an ongoing conversation with on-board temporary (solid state) memory sufficient to store several average length conversations
- An optional attachment for the wireless communication devices. The attachment will be capable of retrieving the record(s) from the temporary memory of the wireless device, storing, and playing back the recorded communication, or/and
- Optional service provided by the wireless service provider that would allow to transmit the conversation recorded on the temporary memory of the wireless communication device and store it for an extended period of time. The service will also provide the capability for secure access/ downloading of the record(s) to various devices, including wireless and wire-line phones, to computers over the Internet, etc. Optional archiving capability can also be provided.

**Option II.** Recording and storage is done by the wireless service provider's operations support system.

Hardware and service definition:

- ARK service provided by the wireless service provider which will allow to record either selective or every conversation conducted from the wireless device which has the ARK service activated. At the end of the conversation the customer will have an option to save the most recent conversation for an extended period of time. The service will also provide the capability for secure access/ downloading of the record(s) to various devices, including wireless and wire-line phones, to computers over the Internet, etc. Optional archiving capability can also be provided.

BSE 7/28/2000

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